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Stephen C. Ferlmann (SBN: 214881)
Chapter 7 Trustee
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TRUSTEE

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
(Sacramento Division)

In Re:

Ron Solorio and
Adriana Paz,

ssn:xxx-xx-1048; xxx-xxx-3829

Debtors.

Case No: 09-34216-A-7

Chapter 7 Case

DC No, SCF -1

Date: April 20, 2010

Time: 9:32 a.m

Place: Courtroom No. 32, 7th Floor

**MOTION FOR AUTHORITY TO SELL NON- EXEMPT EQUITY
IN PERSONAL PROPERTY TO DEBTORS**

TO: The honorable Thomas C. Holman, U.S Bankruptcy Judge:

The Chapter 7 Trustee, Stephen C. Ferlmann (the "Trustee") pursuant to 11 U.S.C §363(b) and Federal Rule of Bankruptcy Procedure 6004, respectfully moves the Court to sell to the Debtors' the non-exempt equity in certain personal property in exchange for a payment of \$3,000.00, and in support respectfully represents:

1. This Court has jurisdiction of this matter under 28 U.S.C § 1334 and 157(a).
2. On July 9, 2009 the Debtors' filed a voluntary petition under Chapter 7 of the Bankruptcy Code, in the above entitled court; Stephen C. Ferlmann is the duly appointed Trustee in the case.

1 3. Among the assets of the Chapter 7 bankruptcy estate is the Debtors' interest in the
2 following vehicles (the "Property"), to which the Debtors' assign the following fair market
3 values in their Bankruptcy Schedule B:

| | |
|---|---------------------|
| a. 2004 Chevrolet Tahoe | \$ 8,000.00 |
| b. 2002 International tow truck | <u>\$ 13,000.00</u> |
| Total Value: | \$ 21,000.00 |

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7 4. The Trustee is informed and believes that said Property is unencumbered and that
8 the Debtors have possession of the titles thereto. The Debtors' bankruptcy Schedule D reflects no
9 lien or security interest claimed by any secured creditor in the Property.

10 5. The Debtors have asserted an exemption in the Chevrolet Tahoe and the
11 International tow truck pursuant to California Code of Civil Procedure ("CCP") §703.140 in the
12 amount of \$21,000.00.

13 6. The trustee had the Personal Property evaluated by an independent auctioneer and
14 has arrived at the following values:

| | |
|----------------------------------|---------------------|
| a. 2004 Chevrolet Tahoe - | \$ 9,000.00 |
| b. 2002 International Tow Truck- | <u>\$ 15,000.00</u> |
| Total value: | \$ 24,000.00 |

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18 7. The Debtors wish to retain the Property and desire to purchase the non-exempt
19 equity in the Property from the bankruptcy estate.

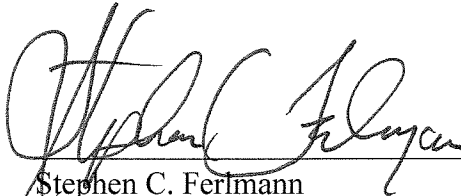
20 8. Accordingly, the Trustee and the Debtors have entered into an Equity Sale Agreement
21 (the "Agreement") which provides that the Debtors shall pay the bankruptcy estate the total cash
22 sum of \$3,000.00 (the "Purchase Amount") for the non-exempt equity in the Property. A copy of
23 the Equity Sale Agreement is attached to the List of Exhibits filed concurrently herewith. The
24 Agreement further provides that the Purchase Amount shall be non-exempt property of the
25 Debtor's bankruptcy estate. Upon payment of the Purchase Amount, the Debtors shall be entitled
26 to retain the Property and the Property shall cease being property of the bankruptcy estate.

27 9. 11 U.S.C. § 363(b)(1) authorizes a trustee, after notice and hearing, to sell property of
28 the estate other than in the ordinary course of business.

1 10. The Trustee believes that the sale of the non-exempt equity in the Property to the
2 Debtors is in the best interests of the estate and should be approved by the Court. The proposed
3 equity sale is an equitable and expeditious manner of liquidating the Property by which the
4 bankruptcy estate will eliminate risks, costs, and delays of liquidating such assets by way of
5 public auction.

6 WHEREFORE, Trustee respectfully requests that the Court approve the Agreement, and
7 authorize the Trustee to enter into the proposed sale of the non-exempt equity in the Property to
8 the Debtors.

9 Dated: 3/23/10

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13 Stephen C. Ferlmann
14 Chapter 7 Bankruptcy Trustee
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